

REMARKS

Claims 1-7 are pending in this application. The Examiner rejected Claims 1-7 under 35 U.S.C. §102(b).

Shimada Does Not Anticipate the Invention of Claims 1-7

Claims 1-7 stand rejected as anticipated by U.S. Patent No. 5,443,292 to Shimada (“*Shimada*”). This rejection is respectfully traversed for the reasons discussed below.

Claim 1

Claim 1 requires that the lock canceling member (60) is supported by a shaft (65) on the support base (21) that is fixed to the inner panel of the peripheral edge portion of the trunk opening (11), as described on page 6, line 24 of the specification. Claim 1 also requires that the lock canceling member includes the first cam (61) and the second cam (62).

Furthermore, Claim 1 requires that the output member (55) being relatively brought into slidable contact with the first cam (61) at a time that the first member is returned to the waiting position from the bring-in position, whereby the lock canceling member (60) is moved from the restriction position to the restriction canceling position; and during a period that the first member is returned to the waiting position from the bring-in position, the output member (55) being relatively brought into slidable contact with the second cam (62), whereby the lock canceling member (60) is restricted at the restriction canceling position, as described on page 7, lines 9-15 and from page 8, line 28 to page 9, line 13.

Due to this structure, the lock canceling member is restricted in the restriction canceling position during the period that the first member is returned to the waiting position from the bring-in position, and the latch is kept from re-engaging the striker even when the trunk lid is attached to the weather strip and does not sufficiently move upward because of freeze-up of the vehicle body, and thus, it is possible to prevent

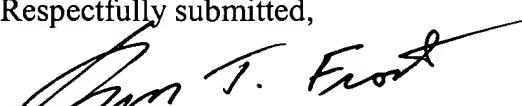
the drive apparatus from being erroneously operated, as described from page 10, line 25 to page 11, line 1 of the specification.

In contrast, *Shimada* discloses a power lid closing device having the open lever 60 which is supported by a shaft on the striker base plate 40 (see Column 4, lines 54-56 and Fig. 1), rather than a shaft on the base plate 20 as now recited in Claim 1. Although the striker base plate 40 in *Shimada* is indeed pivotably attached to the base plate 20 by pin 21 as the Examiner notes, that arrangement fails to anticipate supporting the lock canceling member by a shaft on the support base. Furthermore, the input portion 63 of the open lever 60 is only for being pushed by the cam follower 56 to release the striker 45 (see Column 8, lines 1-15), and the input portion 63 does not have first and second cams, as required by amended Claim 1. Accordingly, *Shimada* completely fails to disclose that the lock canceling member being supported by a shaft on the support base. *Shimada* also completely fails to disclose the lock canceling member including a first cam and a second cam. Accordingly, that reference does not anticipate the combination of Claim 1 and the rejection of Claim 1 as anticipated by *Shimada* should be withdrawn.

Claims 2-7 depend from independent Claim 1. The remarks made above in support of the independent claim are equally applicable to distinguish the dependent claims from *Shimada*.

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the applicant solicits a notice to that affect.

Respectfully submitted,



Roger T. Frost

Reg. No. 22,176

KILPATRICK STOCKTON LLP
Suite 2800; 1100 Peachtree Street
Atlanta, Georgia 30309-4530
Attorney Docket No.: 44471/260840 (13700)